

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

2017 AUG -9 P 2:31

August 9, 2017

U.S. DISTRICT COURT
N.D. OF ALABAMA

This document relates to:

Troy T. Williams, an
Individual

Plaintiff,

V.

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:
:
:
:

CaseNo. 5:17-cv-01216-HNJ
: PLAINTIFF DEMANDS TRIAL
: BY JURY

Capital One Bank (USA)N.A.
and Equifax Information Services
Inc.
Defendant(s)

PLAINTIFF'S AFFIDAVIT

I, Troy T. Williams, of Harvest, in Madison Alabama, MAKE OATH
AND SAY THAT:

1. I do solemnly swear by all laws and statutes that apply, that I,
Plaintiff, Williams, pro se', have sent defendant, [Capital One
Bank(USA) N.A.] a copy of the court issued summons and

complaint as it pertains to case # 5:17-cv-01216 via certified mail (“usps” or “united states postal service”) confirmation# 7015 0640 0006 2024 5808 on August 5, 2017; received by defendant [Capital One Bank (USA)N.A.] on August 8, 2017, signed by a Capital One Bank representative, “Samuel Mills”. (see attachment #1).

2. Plaintiff, Williams, pro se, in his concern after reviewing the docket since its inception and upon entry of docket # 6 and #7, with emphasis on docket entry # 7, sent a copy of the summons and complaint to defendant [Capital One Bank (USA)N.A.] out of reasonable concern, that concern being “timeliness”, that defendant [Capital One Bank (USA)N.A.] did not receive a copy of the summons and complaint, yet co-defendant, [Equifax] did and was executed as the docket entry #7 indicates. Williams sent a copy of summons and complaint out on August 5, 2017, via certified mail (“usps” or “united states postal service”) with confirmation #7015 0640 0006 2024 5808 that indicates that it was received on August 8, 2017 and signed by [Capital One Bank] representative “Samuel Mills” (see attachment #2) with no

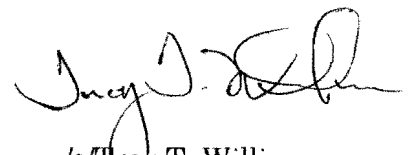
indication that summons and complaint was sent to wrong address. Williams asserts “excusable neglect” because he was unaware that service had to be handled just by US Marshals.

3. Docket entry #6 in case 5:17-cv-01216 indicates that summons and complaint was issued by court on July 21, 2017. Docket entry #7 indicates that co-defendant[Equifax] was served and executed on July 28, 2017. Williams contacted US Marshal Service located at 1729 Fifth Ave., North Room 240 Birmingham, AL 35203 on August 7, 2017 at approximately 10:22a and 2:32p respectively, inquiring about the summons and complaint being delivered and/or executed to co-defendant, [Capital One Bank (USA)N.A.]. US Marshal indicated that defendant [Capital One Bank (USA)N.A.] received a copy of the summons and complaint on July 28, 2017 and was waiting for the green certified mail receipt from the “usps” or “united states postal service” and that supposedly defendant [Capital One Bank (USA)N.A.] has signed. Williams proceeded to ask for tracking information from US Marshal on

duty and was denied. US Marshal informed Williams that he anticipates green card sometime this week.

4. Plaintiff, Williams, in a follow up to US Marshal on duty on August 7, 2017, contacted US Marshal Service located at 1729 Fifth Ave., North Room 240 Birmingham, AL 35203 and spoke with a Jill (Administrative Officer) at phone number 205-307-7335 at approximately 9:00a on August 9, 2017 in which Jill informed Williams that she would investigate the matter. Williams waited approximately two hours and contacted Jill at phone number 205-307-7335 where he was greeted by voicemail. Williams then proceeded to submit an Affidavit concerning this matter.

Respectfully submitted,



/s/Troy T. Williams
(Pro Se)
PO Box 464
Harvest, Alabama
256-749-2614
256-829-8246 Alt#
twothet1will@gmail.com
In Proper Person

Appendix 1

CAPSHAW
 1108 OLD RAILROAD BED RD
 CAPSHAW
 AL
 35742-2000
 0114100822
 08/05/2017 (800)275-8777 8:42 AM

Product Description	Sale Qty	Final Price
First-Class Mail	1	\$2.24
Large Envelope (Domestic)		
(MC LEAN, VA 22102)		
(Weight: 0 Lb 7.00 Oz)		
(Expected Delivery Day)		
(Tuesday 08/08/2017)		
Certified	1	\$3.35
(USPS Certified Mail #)		
(70150640000620245808)		
Return Receipt (elec)	1	\$1.45
Total		\$7.04
Cash		\$20.00
Change		(\$12.96)

Text your tracking number to 28777
 (2USPS) to get the latest status.
 Standard Message and Data rates may
 apply. You may also visit USPS.com
 USPS Tracking or call 1-800-222-1811.

For Return Receipt (by email), visit
 USPS.com, Track & Manage to track your
 item. Under Available Actions select
 "Return Receipt Electronic"; enter
 your name and email address.

CERTIFIED MAIL® RECEIPT
 Domestic Mail Only
For delivery information, visit our website at www.usps.com

MC LEAN, VA 22102

Certified Mail Fee \$3.35

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.24

Total Postage and Fees \$7.04

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7015 0640 0006 2024 5808



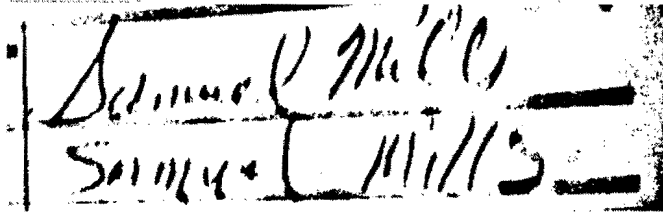
Attach # 2

Date: August 8, 2017

Troy Williams:

The following is in response to your August 8, 2017 request for delivery information on your Certified Mail™ item number 70150640000620245808. The delivery record shows that this item was delivered on August 8, 2017 at 8:54 am in MC LEAN, VA 22102. The scanned image of the recipient information is provided below.

Signature of Recipient :

A scanned image of a signature. The signature appears to be "Samuel Williams" written in cursive. Below the signature, the name "Samuel Williams" is printed in a sans-serif font.

Address of Recipient :

A scanned image of a recipient's address. The address is "Chap. 1016 Cedar" followed by a redacted area.

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Troy T. Williams v. Capital One Bank (USA)N.A. and Equifax Information Solutions Inc.
Case No.

Certificate of Interested Parties:

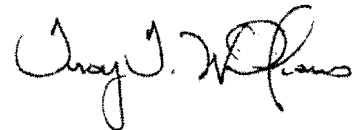
August 9, 2017

I, Troy T. Williams, do solemnly swear that the foregoing is true and correct to the best of my knowledge and that this "*Affidavit*" is in compliance with **with Local Court Rules and Fed.R.Civ.P.**". I have sent the following parties a copy of my brief via United States Postal Service and by email.. *If* you have any questions please contact me at twotheltlwill@gmail.com. Thank you.

Capitla One Bank (USA)N.A.
Attn: Legal Department
1680 Capital One Drive
McLean, VA. 22102

Equifax Information Solutions Inc.
Attn: Legal Department
1550 Peachtree St. N.W.
Atlanta, GA 30309

Respectfully submitted,



/s/Troy T. Williams
(Pro Se)
PO Box 464
Harvest, Alabama
256-749-2614
256-829-8246 Alt#
twotheltlwill@gmail.com
In Proper Person